

REMARKS

This application presently includes Claims 1-14, all of which stand rejected. As apparent from the Amendments to the Claims attached to this response, Claims 1-12 and 14 have been amended to define Applicant's invention more clearly. Claim 13 has been canceled while Claims 15 and 16 have been newly added to depend indirectly from Claim 1.

Claim Rejections - 35 USC 102

Claims 1-3, 5-6, 8-10, 12 and 13 have been rejected under 35 USC 102(b) as being anticipated by Evers (US 5,160,024). The Examiner is of the view that the displaceable portion 116 in Evers is at least partially detachable from the carton to define an opening. This view, however, appears to be erroneous because Evers states "When lid 16 is closed, it fits down..., remaining adjacent but unattached to the innerframe" (Column 3, lines 10-13). There appears to be no statements or even suggestions in Evers that the displaceable portion 116 or lid 16 is at least partially detachable from the carton. In any event, Claims 1 and 8 have been amended in view of the other rejections of the Office Action.

Claim 1 as amended now requires that the carton end is defined by a bottom end flap and a side end flap disposed along the outside surface of the bottom end flap, and that the displaceable portion is detachably connected to the side end flap along a first weakened line. Evers does not disclose such an arrangement as now defined by Claim 1. In Evers, the carton end is defined by panels 20, 52, 20a, 20b (see FIGS. 4 and 5) and panel 40 (see FIG. 2); however, the displaceable portion 16 or 116 is NOT detachably connected to any of the panels 20, 52, 20a, 20b and 40 along a weakened line. For this reason, Claim 1 and its dependent claims are not anticipated by Evers.

Claim 8 as amended now requires that the displaceable portion is detachably connected to a side end flap along a weakened line so that when the carton is set up, the displaceable portion may be detached from the carton at least along the weakened line. Evers does not disclose such an

arrangement as now defined by Claim 8. In Evers, the displaceable portion 116 is connected NOT detachably but foldably to the blank, NOT at a side end flap but at an end panel 26, along fold line 32 so that when the carton is set up, the displaceable portion 116 may be folded along fold line 32. For this reason, Claim 8 and its dependent claims are not anticipated by Evers.

For the above reasons, withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

Claim Rejections - 35 USC 103

Claims 1-3, 5, 6, 8, 9, 10, 12 and 13 were rejected under 35 USC 103(a) as being unpatentable over Sutherland (US 5,297,725) in view of either Spang (US 3,259,299) or Countee, Jr. (US 5,074,462). Claims 7 and 14 were rejected under 35 USC 103(a) as being unpatentable over Sutherland in view of Dutcher et al. (US 4,405,078). Claims 4 and 11 were rejected under 35 USC 103(a) as being unpatentable over Spang in view of Schein (US 6,648,217). In view of these rejections, Claims 1 and 8 have been amended.

Claim 1 as amended requires that:

- (1) the carton end is defined by a bottom end flap and a side end flap,
- (2) the side end flap is disposed along the outside surface of the bottom end flap,
- (3) the displaceable portion is detachably connected to the side end flap along a first weakened line,
- (4) the upper edge of the side end flap is defined along the first weakened line when the displaceable portion is detached at least from the side end flap along the first weakened line,
- (5) the bottom end flap includes a distal end that is connected to the remainder of the bottom end flap along a second weakened line, and
- (6) the second weakened line corresponds substantially with the upper edge

Due to the above arrangement, the invention of Claim 1 allows the distal end of the bottom end

flap to pivot outwardly along the second weakened line using the upper edge of the side end flap as a folding guide that extends along the second weakened line. This facilitates not only folding of the distal end along the second weakened line but also access to the articles in the carton when the displaceable portion is removed. The folding of the distal end further weakens the material of the bottom end flap along the second weakened line, which would further facilitates removal of the distal end later if the user of the carton decides to do so.

Sutherland does not meet any of the above requirements (2)-(6). In Sutherland:

- (i) the carton end indeed is defined by the bottom end flap 24 and a side end flap 26; however,
- (ii) the side end flap 26 is NOT disposed along the outside surface of the bottom end flap 24, but along the inside surface,
- (iii) the displaceable portion 38 is NOT detachably connected to the side end flap 26 but to the top end flap 22 along the first weakened line 40,
- (iv) the upper edge 84 of the side end flap 26 is NOT defined along the first weakened line 40,
- (v) the distal end 82 of the bottom end flap 24 is NOT connected along a second weakened line but is adhered to the bottom end flap 24 (Column 2, Lines 25-27), and
- (vi) there is NO second weakened line in the bottom end flap corresponding with the upper edge 84.

Because Sutherland is very different from what is defined by Claim 1 as pointed out above, combining with Sutherland any teachings contained in either Spang or Countee would NOT cause the arrangement of Claim 1 to become obvious. In fact, none of Sutherland, Spang and Countee, either alone or in combination, disclose the claimed arrangement wherein the distal end of a bottom end flap is connected to the remainder of the bottom end flap along a second weakened line which corresponds substantially with a first weakened line in a side end flap, nor do they even remotely suggest that such an arrangement would be of any benefit. For these reasons, Claim 1 and its dependent claims are not obvious over Sutherland in view of Spang or

Countee.

Claim 8 as amended requires that:

- (A) the displaceable portion is detachably connected to a first side end flap along a first weakened line,
- (B) the bottom end flap comprises a distal end hingedly connected to the remainder of the bottom end flap along a second weakened line,
- (C) the second weakened line is spaced from and substantially parallel to the end edge of the bottom panel such that when the carton is set up, the first and second weakened lines correspond substantially with each other to allow the distal end to extend beyond the upper edge of the first side end flap, that is defined along the first weakened line when the displaceable portion is detached along the first weakened line.

Because of the above arrangement, the invention of Claim 8 allows the distal end of the bottom end flap to pivot outwardly along the second weakened line using the upper edge of the side end flap as a folding guide when the carton is set up.

Sutherland does not meet any of the above requirements (A)-(C). In Sutherland:

- (a) the displaceable portion 66 is NOT detachably connected to either side end flap 26, but to the top end flap 22 along the first weakened line 40,
- (b) the bottom end flap 24 comprises a distal end 82 that is connected NOT hingedly, but adhesively thereto,
- (c) there is NO second weakened line in the bottom end flap.

Because Sutherland is very different from what is defined by Claim 8 as pointed out above, combining with Sutherland any teachings contained in either Spang or Countee would NOT cause the arrangement of Claim 8 to become obvious. In fact, none of Sutherland, Spang and Countee, either alone or in combination, disclose the claimed arrangement wherein the distal end of a bottom end flap is connected to the remainder of the bottom end flap along a second

Serial No. 10/716,642
Art Unit 3727
October 26, 2006

weakened line which when the carton is set up, corresponds substantially with a first weakened line in a side end flap, nor do they even remotely suggest that such an arrangement would be of any benefit. For these reasons, Claim 8 and its dependent claims are not obvious over Sutherland in view of Spang or Countee.

Because any of the pending claims are no longer obvious, withdrawal of the rejection under 35 USC 103(b) is respectfully requested.

It is earnestly requested that in view of the above remarks and the attached Amendments, the application, as a whole, receive favorable reconsideration, and that Claims 1-12, 14 and 15 be allowed.

Respectfully submitted,


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Date: October 26, 2006

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